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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/053,850 | 01/22/2002 | Keith J. Gerard | UW001 | 5029 |
| 7590 | 05/05/2005 | | EXAMINER | |
| Keith J. Gerard 3721 W. 67th Place Chicago, IL 60629 | | | JOSEPH, JAISON | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2634 | |

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,850

Applicant(s)

GERARD, KEITH J.

Examiner

Jaison Joseph

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11-34 is/are rejected.
- 7) ☒ Claim(s) 5 - 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In figure 1, element 110, in figure 3, element 310, in figure 4, element 430, in figure 5, 552, 554, 556, 562, 564, 566, 572, 574, 576, 550, 555, 560, 542, 546, 510, 518, in figure 8A, element 817, in figure 8B, element 820, in figure 8C, element 830, in figure 8D, element 847, 840, in figure 8E, element 850, in figure 8F, element 860, in figure 9D, element 929, and in figure 11A, element 1175, 1110.

In Figs. 1 – 12, the items contained need to contain a text label. It is office policy to request from applicants that submitted figures contain both text and numerical labels to allow individuals viewing each figure to be able to determine the designation of each element in the figure without having to go into the specifications.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The disclosure is objected to because of the following informalities: On page 36, line 14, the specification makes reference to a drawing "Fig 10 G", but the drawing does not contain a figure 10G.

Appropriate correction is required.

Claim Objections

4. Claims 27 and 31 are objected to because of the following informalities: In claim 27, line 2 recites " an web interface application" should have been "a web interface application".

Similar informalities found in claim 31, line 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 21, 22 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell (US Patent (6,529,706)).

Regarding claim 21, Mitchell teaches a system for providing subscribers on an aircraft with communication devices having a wireless transmission cell installed on an aircraft to provide wireless communication between subscriber on an aircraft and an aircraft transceiver (see column 1, lines 35 – 40), an aircraft transceiver receiving communication from said subscriber through said wireless transmission cell and transmitting said communication from said aircraft to terrestrial communication network, and a terrestrial communication network receiving communications from said aircraft transceiver and relaying said communications to an external network (see figure 2).

Regarding claim 22, which inherits the limitations of claim 21, Mitchell teaches said terrestrial communication network includes a network management server (see figure 2, component 294).

Regarding claim 25, which inherits the limitations of claim 21, Mitchell further teaches that said external network includes internet.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, and 11 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (US Patent 6,108,523) in view of Amin et al. (US Patent 6,714,987).

Regarding claim 1, Wright et al. discloses a data access system having a transmission cell receiving communication data, spread spectrum encoding the data, transmitting said spread spectrum encoded data, the aircraft premises equipment receiving and decoding said spread spectrum data (see column 2, lines 33 – 43), wherein the transmission cell is portioned into sectors and wherein the frequency of operation of at least one sector is dynamically configurable (see page 3, lines 25 – 30). Wright et al. does not disclose a network management server receiving communication data from a data source. However, Amin et al. teaches a data access system with a network management server receiving communication data from a data source and send data to customer premises equipment (see figure 2). Therefore it would be obvious to an ordinary skilled in the art at the time the invention was made to combine the teachings of Amin et al. in Wright et al.'s data accessing system to provide a

distributed IP centric system and method for fireless access to internet protocol bases network (see page 1, lines 45 – 47).

Regarding claim 2, Amin et al. teach that the data source is internet (see figure 2).

Regarding claim 3, Wright et al teach that the transmission cell is segmented into plurality of sectors. Therefore subdividing into three sectors is a matter of design choice (see column 3, lines 31 – 49).

Regarding claim 4, Wright et al. teach that each of the sectors is dynamically configurable (see column 4, lines 20 –32).

Regarding claim 11, claimed apparatus including the features corresponding to subject matter mentioned above in rejection 1 is applicable hereto.

Regarding claim 12, which inherits the limitations of claim 11, Amin et al. teach that network management server adjust a bandwidth allocation to Customer Premises Equipment (see column 5, lines 50 – 53).

Regarding claim 13, which inherits the limitations of claim 11, Amin et al teach that the network management server configures the IP address for said CPE (see column 5, lines 53 – 57).

Regarding claim 14, which inherits the limitations of claim 11, Amin et al teach that said network management server interfaces with payment information linked to a CPE to determine access control for said CPE (see figure 2).

Regarding claim 15, which inherits the limitations of claim 11, Amin et al. teach that said network management server additionally provides management of transmission cell (see figure 2).

Regarding claim 16, which inherits the limitations of claim 15, Wright et al teach that transmission cell includes plurality of sectors and the network management server alters the frequency of operation of at east one sector (see column 4, line 20 – 33).

Regarding claim 17, which inherits the limitations of claim 15, Wright et al further teach that plurality of transmission cells having plurality of sectors (see figure 4) and said network management server alters the frequency of operation of at least one sector of plurality of said transmission cells (see column 4, lines 33 – 44).

8. Claims 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrigan et al. (US Patent 6,640,097) in view of Gietema et al. (US Patent (6,222,503).

Regarding claim 18, Corrigan et al. teach a self- provisioning data access system self-provisioning to establish communication with data access system at initial activation (see column 4, lines 49 – 52). Corrigan failed to teach a wireless transceiver receiving a spread spectrum signal from a transmission cell of a data access system and transmitting a spread spectrum encoded data signal to transmission cell of a data access system, a power amplifier performing automatic gain control to control the amplitude of said signal transmitted to said transmission signal. However, Gietema et al teach a wireless transceiver receiving a spread spectrum signal from a transmission cell of a data access system and transmitting a spread spectrum encoded data signal to transmission cell of a data access system, a power amplifier performing automatic gain

control to control the amplitude of said signal transmitted to said transmission signal (see figure 19A and 19B). Therefore it would be obvious to an ordinary skilled in the art at the time the invention was made to have a system and method of deploying a plurality of aesthetically unobtrusive, RF base station antenna subsystems for complying with zoning ordinances or other restrictive covenants, and for providing an array configuration which may be intelligently controlled to overcome many of the limitations of conventional base station antenna systems (see column 4, lines 19 – 25).

Regarding claim 19, which inherits the limitations of claim 18, Corrigan et al. teach the CPE in remote communication with a network management device and said network management device manages CPE (see figure 2).

Regarding claim 20, which inherits the limitations of claim 18, Corrigan et al. teach that transmission cell includes a plurality of sectors and wherein said CPE identifies which sector it occupies during self-provisioning (see column 5, lines 41- 44).

9. Claims 23 – 24 and 26 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US Patent 6,529,706) in view of Van Horne et al. (US Patent 6,625,645).

Regarding claim 23, which inherits the limitations of claim 22, Mitchell failed to teach the network management server authenticates subscriber's access to the wireless transmission cell. Van Horne et al. teaches a network management server authenticates a subscriber's access (see column 7, lines 49 – 56). Therefore it would be obvious to an ordinary skilled in art at the time the invention was made to use Van Horne et al.'s

network management server in Mitchell's system to provide controlled network access and to collect payment for access in various locations (see column 4, lines 32 – 34).

Regarding claim 24, which inherits the limitations of claim 22, Van Horne et al. teaches a network management server authenticates a subscriber's access to terrestrial communication network (see column 4, lines 32 – 34).

Regarding claim 26, claimed apparatus including the features corresponding to subject matter mentioned above in rejection 23 is applicable hereto.

Regarding claim 27, which inherits the limitations of claim 26, Van Horne et al. teach that the terrestrial communication network authenticates said subscriber's access using a web interface application (see figure 12).

Regarding claim 28, which inherits the limitations of claim 26, Van Horne et al. teach that the terrestrial communication network allocate an IP address to said subscriber (see column 13, lines 7 – 23).

Regarding claim 29, which inherits the limitations of claim 26, Van Horne et al. teach that the terrestrial communication network provides domain name server configuration to the subscriber (see column 4, lines 14 – 16).

Regarding claim 30, claimed apparatus including the features corresponding to subject matter mentioned above in rejection 23 is applicable hereto.

Regarding claim 31, which inherits the limitations of claim 30, claimed apparatus including the features corresponding to subject matter mentioned above in rejection 23 is applicable hereto.

Regarding claim 32, which inherits the limitations of claim 30, claimed apparatus including the features corresponding to subject matter mentioned above in rejection 23 is applicable hereto.

Regarding claim 33, which inherits the limitations of claim 30, claimed apparatus including the features corresponding to subject matter mentioned above in rejection 23 is applicable hereto.

Regarding claim 34, claimed apparatus including the features corresponding to subject matter mentioned above in rejection 23 is applicable hereto. Further Mitchell teaches terrestrial communication network adjusting the bandwidth allocated to communication between subscriber and transmission cell (see column 6, lines 4 – 8).

Allowable Subject Matter

Claims 5 – 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison Joseph whose telephone number is (571) 272-6041. The examiner can normally be reached on M-F 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jaison Joseph
04/29/2005



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